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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,510	12/20/2001	Dany D. Sylvain	7000-089	4477
27820 7590 09/20/2007 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518			EXAMINER TRAN, PHUC H	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/028,510

Applicant(s)

SYLVAIN, DANY D.

Examiner

PHUC H. TRAN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers et al. (U.S. Patent No. 594638).

4. Claims 1-6, 9-15, 18-24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Rogers et al. (U.S. Patent No. 6320857 B1).

- With respect to claims 1, 10, and 19, Rogers teaches a system (e.g. the system in Fig. 1) comprising: a) an interface adapted to facilitate media communications (e.g. interfaces 203, 206 in Fig. 2); and

b) a control system (block 101 in Fig. 1) associated with the interface and providing a combined user agent (Abstract, Fig. 1, col. 9, lines 1, col. 11, line 20), which is adapted to:

represent a telephone (106 in Fig. 1) and a computing device (114 in Fig. 1) as a single multimedia device capable of supporting voice and media sessions (e.g. user in Fig. 1);

communicate with a circuit-switched telephony switch (e.g. PBX in Fig. 1) to establish a connection with the telephone (e.g. block 106 connects to PBX) through the circuit-switched telephony switch (e.g. through PBX) to facilitate a voice session with another voice-capable device (e.g. support voice for user 106 in Fig. 1); and

communicate with the computing device to establish a media session between the computing device and another media-capable device (e.g. block 114 in Fig. 1 for data users),

wherein the combined user agent appears (e.g. blocks 101 in Fig. 1) to network devices as a multimedia client supporting voice and media sessions and interacts with the circuit-switched telephony switch (e.g. the PBX) as well as the computing device to facilitate the voice and media sessions (e.g. block users 106 in Fig. 1, support voice and data).

- With respect to claims 2, 11, and 20, Rogers also teaches wherein the combined user agent is further adapted to associate the connection and media session with one another (e.g. Fig. 1 shows the communication between users 106 that support by block 101).

- With respect to claims 3, 12, and 21, Rogers further teaches wherein the combined user agent is further adapted to provide information associated with the connection to the computing device for use in an application associated with the media session (e.g. Fig. 6).

- With respect to claims 4,13, and 22, Rogers teaches wherein the combined user agent is further adapted to communicate with the circuit-switched telephony switch using call signaling messages required to establish and control the connection between the telephone and the voice-capable device (e.g. col. 10, lines 51-56).

- With respect to claims 5-6, 14-15, and 23-24, Rogers teaches wherein the combined user agent is further adapted to communicate with the computing device with signaling messages required to establish and control a media session between the computing device and the media-capable device using a second protocol (see Fig. 2, col. 7, lines 29-47; col. 7, line 66 – col. 8, line 10; col. 19, lines 20-67; col. 39, line 51 – col. 40, line 44).

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- With respect to claims 9, 18, and 27, Rogers teaches wherein the media session established between the computing device and another media capable device is at least one of the group consisting of video session, screen sharing session, audio streaming, video streaming, information streaming, voicemail, email, gaming, advertising, and instant messaging session (col. 40 and 41 teaches the medial session such as video, audio, email...).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-8, 16-17, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers et al. (U.S. Patent No. 5946386) in view of Schuster et al. (U.S. Patent No. 6822957 B1).

- With respect to claim 7-8, 16-17, and 25-26, Rogers discloses all the aspect of the claimed invention as set forth above but fails to teach wherein the combined user agent is further adapted to use the session initiation protocol, SIP, when representing the multimedia device to other SIP devices. Schuster teaches SIP for signaling. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the session initiation protocol for setup communication in the network.

Response to Arguments

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7. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Strathmeyer et al. (Pub. No. 2002/0118675) discloses computer telephone integrating system for packet-switched telephone network, has pass through server to communicate information to and from applications computer controlling or monitoring calls.

Batemen et al. (Patent No. 5884032) discloses remote information network services accessing method - selecting remote help option from server in a communication system which includes call centre and help channel and transferring request to call centre.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran
Assistant Examiner
Art Unit 2664

P.t
9/15/07


CHI PHAM
SUPERVISORY PATENT EXAMINER

9/17/07